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Filed by ECF

Honorable Judge Lawrence J. Vilardo
 New Jersey District Court
 50 Walnut Street
 Newark, NJ 07102

Re: Epps v. City of Buffalo, 19-cv-00281 (LJV-LGF)

Dear Judge Vilardo:

We represent Plaintiff Cory Epps, along with Rickner, PLLC. We write to highlight a portion of the record that is relevant to the testimonial immunity point addressed at today's oral argument. The following exchange occurred at James Giardina's deposition (DE 78.6, p. 91) :

Q. Exhibit 14 [Giardina's 8/30/00 affidavit, DE 89.31], did you type up Exhibit 14?

A. No.

Q. Would it be fair to say that somebody from the District Attorney's Office created Exhibit 14?

A. That's what it looks like.

Q. Now, do you remember meeting with somebody from the District Attorney's Office with respect to Exhibit 14 or the case of Cory Epps at all back in the '90s?

A. No, not at all.

Q. Would it have been your general practice to discuss facts with a District Attorney before an affidavit was typed up?

A. Yes.

Q. So would it be correct to say that Exhibit 14 is based on information you provided to the district attorney prior to when it was signed?

A. Right.

Thank you for your consideration.

Respectfully submitted,



Glenn A. Garber

cc: (By ECF)
 Hugh Russ, III, Esq.
 Peter A. Sahasrabudhe, Esq.
 Rob Rickner, Esq